

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION****ENTERED**

October 25, 2017

David J. Bradley, Clerk

MARCO SALAZAR, on behalf of himself	§	
individually, and all others similarly situated,	§	
	§	
Plaintiffs,	§	
	§	
v.	§	CIVIL ACTION NO. H-17-00991
	§	
ENSIGN UNITED STATES DRILLING,	§	
INC. and EXPRESS PAYROLL, INC.,	§	
	§	
Defendants.	§	

ORDER ON NOTICE FOR CONDITIONAL CERTIFICATION

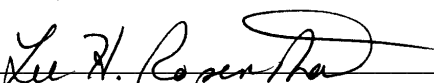
The parties, Marco Salazar and Ensign United States Drilling Inc., disagreed on certain language in the Notice to be issued in connection with the conditional collective action certification. A hearing was held on October 24, 2017, and the parties presented arguments on the disputed language. The court orders the following:

- “A lawsuit was brought against Ensign alleging that you and other Welders are owed overtime wages under federal law,” is retained in Section 1.
- “If you do not desire to join this lawsuit, then you need not sign or return the consent form,” is inserted into Section 3.
- “If you do not prevail, then you may be required to pay a share of Ensign’s defense costs and expenses (but not its attorneys’ fees),” is not inserted into Section 4, in light of Salazar’s counsel’s representation in court that counsel and his law firm would pay the costs and expenses other than the fees if the plaintiffs do not prevail.
- “You are eligible to participate in a settlement for unpaid overtime wages, if any is reached” and “If you do not join this case, you will not be able to participate in any settlement regarding the claim for unpaid overtime wages, if any is reached,” is not deleted from

Section 4.

- “If you choose to join in this case, you will become a party and will be bound by the judgment, regardless of whether it is favorable or unfavorable to you,” is not deleted from Section 4.
- “Your decision not to join this case will not affect your right to bring a similar case on your own at a future time,” is not deleted from Section 4, but is amended to state, “Your decision not to join this case will not affect your right to hire your own attorney and to bring a similar case on your own at a future time.”
- “However, claims under the Fair Labor Standards Act must be brought within two years of the date the claim arises, unless the employer’s violation of the law was ‘willful,’ in which case the claim must be brought within three years,” is not deleted from Section 4, but is amended as stated here.
- “If you join this case, you will be represented by the Plaintiffs’ Counsel in this case,” is not deleted from Section 4.
- “The attorneys for the Plaintiffs are being paid on a contingency fee basis, which means that if there is no recovery there will be no attorneys’ fee. If there is a recovery, the attorneys for the group of welders will receive a part of any settlement that might be obtained or money judgment that might be entered in favor of all members of the group,” is amended as shown and retained in Section 4.

SIGNED on October 25, 2017, at Houston, Texas.



Lee H. Rosenthal
Chief United States District Judge